

REMARKS

In reply to the Office Action mailed August 9, 2004, Applicants have amended claims 1 and 16. Claims 1 and 3-30 are presented for examination.

All of the pending claims feature a tape having a substrate that includes first and second yarns or fibers. The first yarn or fiber includes a first polymeric material and predominates on a first surface of the substrate. The second yarn or fiber includes a second, different polymeric material, and predominates on a second, opposite surface of the substrate. Both the first and second yarns or fibers are present on both the first and second surfaces of the substrate.

Claims 16-22, 24, and 27-30 remain rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,659,930 to Okawa ("Okawa"). Okawa discloses a substrate where a first surface includes a first and a second yarn, and a second surface includes only the first yarn. (See e.g., Figs. 2, 3, and 4.) Okawa does not disclose or suggest a substrate having both first and second yarns present on both the first and second surfaces as recited in Applicants' claims. Moreover, Okawa does not fairly suggest such a construction. Because Okawa does not teach or suggest a substrate having first and second yarns on both first and second surfaces, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C. 102(b).

Claims 1-10, 12-25, 27-30 and 45 remain rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,710,414 to Northrup ("Northrup") in view of Okawa. Claims 11 and 26 remain rejected as being unpatentable over or the combination of Northrup and Okawa further in view of U.S. Patent No. 5,500,269 to Billarant ("Billarant"). For the reasons discussed above, Applicants assert that Okawa alone fails to teach or suggest a substrate as recited in the pending claims.

Northrup fails to cure the deficiency of Okawa as Northrup fails teach or suggest a substrate having a first and second yarn where both the first and second yarns are present on both first and second surfaces of the substrate. Without such a teaching, the combination of Northrup with Okawa does not properly support a *prima facie* case of obviousness. Accordingly, Applicants request that the corresponding rejection be withdrawn.

Billarant discloses a touch fastener having a magnetically attractable material. Nowhere does Billarant teach or suggest a substrate having a first and second yarn where both the first and second yarns are present on both first and second surfaces of the substrate, as recited in Applicants' claims. Because Billarant fails to provide the teaching missing from both Okawa and Northrup, Billarant does not cure the deficiency of the combination of Northrup with Okawa. Accordingly, Applicants assert that the combination of Okawa and Northrup with Billarant fails to support a *prima facie* case of obviousness, and Applicants request that the corresponding rejection be withdrawn.

In view of the foregoing, Applicants submit that all of the pending claims are novel and unobvious. Applicants believe the above application is in condition for allowance, which action is requested.

Applicants believe that no fee is due. However, if Applicants have reached this conclusion in error, please apply any charges or credits to deposit account 06-1050, referencing attorney docket number 05918-220001.

Respectfully submitted,

Date: _____

August 31, 2004

Catherine M. McCarty

Catherine M. McCarty
Reg. No. 54,301

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906